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An Answer to
The Rev. Newell Dwight Hillis' Sermon,
Recently Delivered from the Old
Brooklyn Tabernacle, the Theme
of which was Militarism
vs. Americanism.



BY GEORGE OGLETHORPE FERGUSON.



By transfer
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AN ANSWER TO THE REV. NEWELL DWIGHT HILLIS' SERMON, RECENTLY DELIVERED FROM THE OLD BROOKLYN TABERNACLE, THE THEME OF WHICH WAS MILITARISM VS. AMERICANISM.

By GEORGE OGLETHORPE FERGUSON.

As the Rev. Newell Dwight Hillis from the "People's Forum" as the peerless Beecher was fond of designating his pulpit, was courageous enough to violate the advisory proclamation of our President that we Americans should remain neutral in word and works, I trust I may be allowed my say from the seat of the national Capital, without bringing down upon me anything worse than a hazing at the hands of the President and his Cabinet.

Lest it be charged that I am approaching this great international theme from the point of view of national prejudice or racial bigotry, let me state that I am a Scotch-American with four generations of pretty good stuff behind me on both branches of the ancestral tree; my ancestors having been cradled in the freedom, faith and hope of the old Scotch Covenanters.

Dr. Hillis did not follow the usual custom of clergymen and begin his famous discourse with a text from the Bible. I propose to begin my lay sermon in answer to Dr. Hillis with two texts at the outstart and follow with a third later on.

"Come let us reason together"

"The Truth shall make you free"

I shall not follow the general order of Dr. Hillis, for I believe he began with a false premise, and certainly an unfair arrangement of his theme when he fixed it as Militarism vs. Americanism and then dealt only with what he regards as the supreme principle idealizing Americanism, and only compared it with German Militarism. I propose to broaden my theme and be fair, and give a square deal by fix-

ing it as GERMANISM-ENGLISHISM vs. AMERICANISM.

This ENGLISHISM may be a new "ism" even to the thinking mind of Dr. Hillis. I do not propose to deal in generalities, nor take allopathic extracts from theories long ago discarded by the actual practices of national governments. I propose to deal with specific facts supported by indubitable evidence, and institute a thorough impartial comparison between the three "isms," and as to the first two in their relation to and responsibility for the present war. Let us first approach without fear and trembling, and analyze in the light of reason and without the subjective prejudice resulting from the English subsidized American Press, the full meaning of Militarism. As our marcescent martial souls have not yet been able to understand that this word is applicable to any nation in its governmental policy excepting Germany, we will take GERMAN MILITARISM. Dr. Hillis in his premise on the subject reminds me very much of the woman I once knew who kept her children under fair discipline by constantly telling them the "Bogy" man would get them if they did not obey, and to support her deception she kept a manufactured "bogy" man under her bed—an old fashioned bed having a curtain around the entire bottom. Occasionally in the dark she would draw forth this "bogy" man and expose it from an advantageous point of view to the children and frighten them almost out of their senses. In reading Dr. Hillis' one-sided expose of German Militarism I could not help thinking of this mother. This "bogy" man of German Militarism thrust upon the American mind by the English bureaucratic Press has become such a bugaboo that it has undoubtedly found a firm place under Dr. Hillis' bed, and if we are to judge from our newspapers, under the beds of about three-fourths of our country's population.

WHAT IS MILITARISM?

Let us try intelligently and without bias to analyze it and so give ourselves a correct definition of it. It is a policy of national defense, based upon the necessities arising from the situation and environment of a nation. Germany is

nearly an inland nation; without the great Kiel Canal she would be almost practically so. She is surrounded by nations that from the old feudal period have been her enemies. Her Militarism consists of a policy that requires her boys to go through a school of military and economic discipline for a period of time that will render them not only fit for the defense of their country, but which renders them fit to meet and fight in superior fashion the battles of life. When these young men come forth from their military period of schooling under the "baneful" influence of the Kaiser's "Imperial Militarism," they go out into the diversified avenues of human endeavor and take their places according to natural selection as to temperament, environment, opportunity, etc.; and the result is that they are pre-eminently successful because they have had instilled into them not a few, but all the great basic principles that have been thought out, worked out and scientifically demonstrated to be practical and essential to achievement in every department of a nation's life and growth. With this somewhat brief analysis of Militarism, we get the simple definition that GERMAN MILITARISM is a carefully thought out and wrought out system of national defense and development in its many diversified departments according to the requirements and necessities of geographic position, so as to insure an harmonious autonomy. Any nation that has less Militarism than this is a nation of weaklings.

If it is what Dr. Hillis explains it to be, then perforce it must have wrought a most disastrous effect upon the German character; it must have superinduced at the very heart of the Nation an infectious growth which should have by this time spread and eaten out the very life vitals of the Nation. What *has* been the effect? To answer this question would be an insult to every man's intelligence who has traveled through Germany, or known the German-Americans living among us. When Dr. Hillis says that the 6,000,000 of German-Americans in this country are here as a protest against GERMAN MILITARISM, I am sorry for his misinformation, his lack of acquaintance with and his misinterpretation of the subject. I know hundreds of our German people; I have talked with many of their leaders, and they are here because of the superabundant op-

portunities natural to a new and great country like America. They are here because of the circumscribed field of operations for their sturdy qualities in their own country; and mark this well: I know for a fact that three-fourths of the German-American men have already "suffered"—from Dr. Hillis' point of view—the terrible withering influence on their individuality of German Militarism before coming to our shores. If anyone doubts the patriotism of the German-Americans and their love for and devotion to the Kaiser for what he has done for his people, and to the spirit and institutions of the Fatherland, let him go out as I have done and sit among them and discuss with them the theme of Dr. Hillis' sermon. If Dr. Hillis will examine the immigration records for the past fifteen years he will find that the young men of Germany have not been leaving the Fatherland for the reason that the Kaiser has shown himself to be a genius in the development of German commerce. He has gone through the Empire seemingly with a magic wand and wherever he has touched any form of industrial life it has grown at once into giant proportions.

Dr. Hillis says in his sermon referring to the German-American element in this country:

"They are the most honest and esteemed folk in American life. Their achievements are beyond praise. * * * What wealth among their bankers! What prosperity among the German manufacturers! What solidity of manhood in these German Lutherans! Was there ever a finer body of farming folk than the German landowners of the middle west? The Republic owes the German-American a great debt as to liberty through men like Carl Schurz. Take Martin Luther and German liberty of thought out of the Republic and this land would suffer an immeasurable loss."

(Is it possible if Dr. Hillis' description of Imperial Militarism under the Kaisers past and present is correct that there could be any liberty of thought growing out of such a soil?) Strange, is it not, that a man of his thinking powers should destroy his complete argument against Germanism, or if you prefer German Militarism, by this admission? If his argument is logical, they ought to be arrogant, selfish,

domineering, autocratic, and especially what Englishmen characterize them, "hoggish." They ought to be intolerant of restraint under law, forever forcing their ego upon their neighbors and trying by all means except fair means, to defeat their competitors in finance and commerce and generally to be wholly a law unto themselves.

At another point in his sermon Dr. Hillis states "no one has indicted German Militarism in stronger language than the distinguished Carl Schurz." Dr. Hillis ought to know, if he does not, that Carl Schurz expatriated himself for the same reason that Waldorf Astor expatriated himself—because of keen disappointment to secure political preferment conforming to his ambition.

Dr. Hillis says "the American could not endure Militarism." What does he mean by this? Does he mean that the manhood of the nation could not, or would not go through the ordeal of training and discipline necessary to fit it for patriotic defense? Then I am sorry for my country. He also says "the American editor would choke to death in Germany. If a man criticises the Kaiser he goes to jail." I have read the German newspapers when in Germany, and the Berlin papers very often here at home. An honest criticism of the Kaiser is not at all uncommon and every one knows that the Socialists are the worst offenders in committing this "terrible" crime of *Lese Majeste*. Have the German Socialists ever been banished to some Siberia, been imprisoned, or had their tongues cut out by order of this autocratic Imperial Military Lord? There are a good many American editors who ought to choke to death. When liberty of the Press and free speech run riot to license in humiliating caricature and stigmatic denunciation of our Presidents, we have a martyred Garfield and a martyred McKinley. That part of the Press representing the "Stalwart" wing of the Republican Party, assassinated Garfield. The venom of unusual party strife reeking in newspapers controlled by disappointed politicians, assassinated McKinley. All that *Lese Majeste* means is, that decent criticism and common courtesy shall be conceded the Kaiser. It is a thousand pities we have not this much *Lese Majeste* in America. Let us now examine ENGLISHISM and what it stands for.

ENGLISHISM.

Is it not passing strange that Dr. Hillis makes no reference whatever to ENGLISH MILITARISM in his extraordinary sermon? What is English history as regards her Militarism on the seas? England being an insular nation, that is, in her original possessions, found it just as important and essential to build up a colossal SEA MILITARISM as Germany from her position inland found it necessary to build up an equally powerful land militarism. With this colossal naval power England has plowed the seas, bullying and ravaging other nations. Aside from her original territory; and her North American possessions fairly and honorably taken from the French by her great General James Wolfe in 1759, England has stolen every other part of her Empire; and when India and Egypt and South Africa protested against the steal of their country and revolted at their impressed servitude, England, with unspeakable fury, tyranny and cruelty, poured her shot and shell among the helpless men, women and children in terrible slaughter and—a la Mahomet—said “Follow our Lord and Master the King, or take the sword.”

Let us be fair, Dr. Hillis, and bear in mind the Cape Colony, bear in mind Ceylon, bear in mind Khartum, bear in mind the outrages upon the Boers; the shameful treatment of defenseless women and children in the awful concentration camps. I stood in Cairo, Egypt, in the spring of 1896, beside a British Captain and watched Lord Kitchener with his troops, nearly three-fourths of whom were impressed Soudanese, march out of that city on his famous Khartum campaign. I remarked to the British Captain: “I should not think you could depend on these soldiers when you meet the enemy.” He replied, “when we get them that far from home, they must fight or take the bayonet.” Here, Dr. Hillis, just as everywhere that England has invaded and outraged nations’ rights, and just as in the present war, she always, either by cunning diplomacy or sheer force, puts the other fellow to the front to do the fighting and so far as possible saves her own skin. And what was the plea in all these world-wide robberies and ravages—England’s advan-

tages are the end that justifies the means." What was the real underlying cause of the Napoleonic wars. In spite of the carefully censored English histories, it is clearly revealed that the cause was the same as that which is at the very bottom of the present war struggle going on in Europe—English greed, envy and jealousy—which, if fed upon long enough, either by the individual or the Nation, leads to murder. Instance for example as between individuals the recent Baff murder in New York. France under Napoleon, almost at a single bound, took a high place in the commerce and finance of the world. With apologies to Daniel Webster—Napoleon literally smote the rock of national resources and torrential streams of revenue poured forth. So England, looking upon these great strides being made by France and recognizing in Napoleon the mightiest genius for statecraft and government the world had ever known—not excepting Caesar—goes through the various stages of jealousy, envy and hate and on to murder; and under the specious plea that democracy in Europe is not to be thought of or tolerated: no matter what the cost, NAPOLEON MUST GO. England proceeds to form one coalition after another, and with her cunningly devised diplomacy was able to bring in neighboring nations to help pull her French chestnuts out of the fire and do the brunt of the fighting; and when at the last moment the great French nation is depleted of her men and means for carrying the struggle further, and the hard-pressed Napoleon is making his last stand, she was shrewd enough to slip in Lord Wellington as Commander-in-Chief of the allied forces and bear off the glory of the conquest of the French under the mighty Napoleon. Her brutal confinement of Napoleon on barren St. Helena is an eternal stigma on her National Escutcheon.

How any intelligent student of the world's affairs for the past 25 years can fail to see anything from any angle in the present European struggle excepting the jealousy and envy and hatred of England for Germany, born of her insatiable greed and desperate determination to be and remain supreme monarch of the world's commerce and finance, seems to me to be incomprehensible even to the most extraordinary mind. And now, just as in the Napoleonic wars,

under the workings of her trained cunning diplomats, she has coalesced France, Russia, Japan and even little Belgium in an alliance to help her decimate the German Empire; and when she gets ready—if she is able to get ready—to pull her German chestnuts out of the fire, she will slip one of her Generals into supreme command of the allies, providing she is able to execute the death sentence she already has imposed upon Germany, and march proudly away with a “Thank you” on her treacherous lips to her duped allies, saying: “We killed the bear, the hide is all ours.”

England’s alliance with Japan had two far-seeing objects in view—the first was to use Japan in this war which she has been framing up for years, to destroy Germany’s commercial and military base in the Orient; the other to make use of Japan’s assistance by way of the Pacific when she gets ready to deal with the United States as she is now dealing with, or thinks she is dealing with Germany; for England is as jealous and envious of American prestige as she is of German prestige, and if America don’t soon wake up Japan will have planted her naval military bases from Tokio to San Francisco. What other interpretation can be placed on her occupations in the Marshall, Caroline and Ladrone Islands. England says when the war is over Japan will get out. In issues of this kind, fraught with tremendous consequences—but only for America—I would not believe England under oath.

England has fouled the newspapers of the world with innuendo, wilful misrepresentation and malignant lies against Germany. Her first act in the war—which was heinous—was to absolutely cut Germany’s communication with the outside world, so she could not defend herself against the calumnies of the bureaucratic press agency in London; and until the war was well under way the most of us believed these cunningly devised fables. The daily grist, however, of ridiculously exaggerated reports of the war in our metropolitan papers, so palpable that the “way-faring man though a fool” cannot be deceived by them, has changed all this, and we now begin to see clearly through England’s infamous machinations against Germany. Instance the London Morning Post’s published interview with

Col. Roosevelt by her "Special" Correspondent, Ernest A. Belcher, of January 1st, which was carefully sent to all our daily papers and which Col. Roosevelt on January 7th in the New York Times denied in toto. In her wild, frightened state England has gone too far in trying to hold the sympathy and public opinion of the world with her.

In working up her alliances she first made sure that Italy would tear up her "scrap of paper" which had been sacredly entered into between that nation, and Germany and Austria. Does anybody suppose if that "scrap of paper" had not existed between Germany and Italy in all sacredness so far as Germany was concerned, that Italy would have been permitted to take over Tripoli in the free and easy manner in which she did? England then worked upon the fears, prejudices and pride of France, Belgium and Russia, and also pointed out to France that the war to follow the alliance was her easy time to take back Alsace-Lorraine (to which, however, she has no more priority of territorial claim than has Germany). She raised before the representatives of these nations the same Hydra-headed bugaboo she is now holding up to us, and said to them, with this alliance we shall become the Hercules that will rid Europe forever of this monster—German Militarism. A little spark in Belgravia set off the conflagration and furnished England with her long waited for opportunity. But now she must justify her position before the world. She has no Napoleon and his new democratic government with which to play upon the fears of Europe and the credulity of the world, and this time her trump card becomes—the violation of Belgium's neutrality by Germany. She must have searched hard to find this excuse. In the light of recent revelations and indubitable facts supported by Belgium's own records taken from her own archives, **BELGIUM HAD NO NEUTRALITY TO VIOLATE.** She threw it to the winds and virtually tore up her "scrap of paper" when she entered into a secret compact with England and France to not only permit them to come through her territory to attack Germany on her own border, but in addition agreed to cooperate with their armies to the fullest extent of her ability. She would run with the German hare, and hold with the British hounds. Please

notice from the text of this secret compact the part Belgium was to play in England's craftily-laid plot to control Europe. Now, this understanding, thoroughly agreed to between Belgium and England, was made in 1906. Is there a man so prejudiced in thought that he believes for one moment that Germany knew nothing whatever about this duplicity on the part of Belgium? If full proof of what I say here is desired, it may be found occupying the front page in the Fourth Section of the New York American of December 20, 1914. If you are open-minded you will clearly realize that Germany would have been a stark fool to have waited until the allies poured their armies through Belgium on to German soil under the cunningly-laid plans of Great Britain.

Dr. Bernhard Dernberg, former German Minister for the German Colonies, is authority for these revelations; and up to date every statement emanating from Berlin, whether it be recording Germany's actions before the war, or reports of the fighting on both land and sea since war was declared, have been found to be absolutely correct; and she steadfastly refuses to befoul herself by joining England in her frantic, mud-throwing campaign; but with dignity of mien continues to treat with silent contempt the long-continued slanderous incitations made against her by the Bureaucratic Press Agency in London.

Germany, through her highest representatives, so soon as she had the first opportunity to explain her position in the war, stated positively that the German Government knew all about this trickery of England, and double dealing of Belgium, and like any self-respecting nation recognizing her peril, did her utmost to carry the war to her enemies first.

In the face of these stupendous revelations where must the responsibility rest for Belgium's woes—most certainly not on Germany's shoulders, and "the shock, the shout, the groan of war" wailing up to high Heaven from all Europe must soon bring Omnipotent interference; and when it does, it may help us to understand the truth, in the divine retribution sure to follow, for "be sure your sin will find you out." We now come to an analysis and comparison of

AMERICANISM.

I said at the beginning that a little later I would use a third text. It is this—"Thou shalt not steal." I am sorry and pained to have to use this text in addressing myself to the subject of Americanism; but "the truth shall make you free," and it is about time we had the courage to face the truth and stop our hypocracies and rid ourselves of our pharisaism. Dr. Hillis says: "All over the land, teachers, fathers, editors, authors, have found it necessary to say to the young men and women of the Republic 'do not sign your name to an obligation unless you intend to keep it.' Keep your faith. Remember that your word should be as good as your bond. 'Swear to your own hurt, and change not.' All this is inevitable, as the result of Germany's trespass upon the property and homes of Belgium. In some European lands, the State is everything and the individual is nothing. In this Republic the individual is first, and the State is here to safeguard his rights, and see to it that no one trespasses upon his property." Is this true?

In the light of facts which I am going to present, this sounds as though it had been spoken by another Rip Van Winkle. I am sorry for Dr. Hillis. Sorry he has not been a better student of his own times during the past twenty years. THAT OUR FATHERS WHO LAID THE FOUNDATION OF THIS REPUBLIC, STRONG AND DEEP, FOREVER INTENDED THAT THE INDIVIDUAL SHOULD BE FIRST AND THE STATE MERELY A SAFEGUARD TO HIS INALIENABLE RIGHTS, WHICH HAD BEEN SO UNMISTAKABLY DEFINED BY THE FRAMERS OF THE DECLARATION OF INDEPENDENCE, THERE CAN BE NO DOUBT. The Federal constitution and the constitution of all the states followed this sublime declaration of sacred human rights. Today I am sorry to say we have torn to tatters the original "scrap of paper" solemnly contracted between the state and the individual. We are a nation of thieves, and I will prove it out of the records of the highest tribunals of the states and of the nation. While Dr. Hillis sits in his cozy library ensconced in his satin-lined slippers and silk study-gown,

thanking God we are not like other nations, hundreds of thousands of his fellowmen—nearly a half million in New York City alone, according to the figures given out by the leader of Labor organizations recently—are walking the streets in all of the commercial centers of our country, out of employment; wandering from place to place like men without a country and destitute of the most necessary comforts of life. There is a reason; what is it? The men I am going to arraign have been throwing dust in our eyes, attributing our condition to the tariff, to the war, to everything but the right thing, namely, *legalized graft and corruption* in Government from the lowest places to the highest. Under the beneficent laws that were to bulwark the individual's interests in this great Republic, men pursued their diversified avocations east, west, north and south, and prosperity crowned the labors of her citizens. The laws were good to work under and did safeguard the individual's rights and property. Every state held out its welcoming arms and said "come thou with us and we will do thee good." Under this invitation and the protection of these simple laws, well understood by all, men formed themselves into co-partnerships, and then into corporations for the purpose of developing the industries of the nation from the vast and diversified raw materials in the different states. They dug for gold and silver; they drilled for oil; they built factories, public utilities, towering structures of commerce and finance, and warped the nation with wondrous bands of steel for rapid transportation, and woofed it with copper wires for lightning communication. Naturally these corporations grew apace, and with their growth, in many instances as phenomenal as the fabled Jack's beanstalk, the Nation expanded until she became the eighth wonder of the world, and THEN WHAT HAPPENED? The representatives of the Government became jealous and envious of the prosperity of these citizens, these corporations, and began systematically to graft upon them. When these citizens and corporations first invested their money, which the states were so eager to have put into the development of their industries; in most cases the state became a partner with the individual citizens and corporations, and made contracts with them and granted

them reasonable franchises and extended liberal terms so that they might be unfettered and unhampered in the employment of labor and capital to the end that the largest possible returns might be had on their investment of money and industry. The politicians in the municipal governments worked hand in glove with the politicians of the state governments and the politicians of the state governments made alliances with the politicians of the Federal Government. They became so bold in their graft operations on the successful citizens and corporations that rather than be wholly bankrupted they rebelled, and some few grafters were sent to prison; thus making open and individual grafting dangerous. Then what do we see? Under the most amazing subterfuges and all manner of trumped-up charges the grafters began a public indictment of these same individuals and corporations whom they had so generously received and welcomed into the business life of the various communities, and after worming and squirming their way into the state legislatures, under the apparently inoffensive plea of "regulating" the business of these citizens and corporations, passed laws of nullification and repudiation, the sequence of which enabled them to actually legally plunder and graft at will. The beneficent laws of the Fathers under which these business men and corporations engaged their industry, and entrusted their capital, were amended or repealed as suited the purposes of the gang. The sacred contracts entered into between the states and these citizens and corporations, called Charters, which were supposed to "safeguard their rights and see to it that no one trespassed upon their property" were broken with impunity. The franchises granted by eager, anxious municipalities for the construction of water works, electric-light and gas plants, traction lines, and every kind of public utility, which an enlightened, cultured community requires and must have, were treated as mere "scraps of paper" and torn into shreds. Vast enterprises built up by patient toil, consummate ability and often under discouraging hardships, were condemned to destruction at the behest of these grafters to enable them to more evenly distribute the pelf. Establishments in the commerce of the world grown to greatness were hunted down by these politi-

cal "gunmen" and shot to pieces, so they could the better divide the quarry. Dr. Hillis may well ask: "Can these things be true? Has repudiation and confiscation run riot through the nation just as after the Civil War? Can you prove your shocking allegations?" Ah! and here's the rub; it shames me to produce the proofs, and it must shame any citizen of our country to review these proofs. I shall give only a scattered few, however, and let no one think they are isolated cases, for I could give a score or more from almost every state. If you doubt this go into the law library of your city, or into the office of any really representative law firm and ask to see the reports of the Supreme Courts of the States, and the reports of the Supreme Court of the United States. The following are given merely to guide you in your search:

(Mich.) Detroit Citizens St. Ry. Co. vs. Detroit R. Co., 184 V. S., 368;

(Ill.) Freeport Water Co. vs. Freeport, 180 V. S., 587;

(Ill.) Rogers Park Water Co. vs. Fergus, 180 V. S., 624;

(Mo.) Joplin vs. Southwest Mo. Light Co., 191 V. S., 150;

(Ky.) Owensboro vs. Owensboro Water Works;

(Kans.) Hutchinson vs. Water Company;

(Ohio) Hamilton Gas Light Co. vs. Hamilton, 146 V. S., 258;

(Texas) State of Texas vs. Waters Pierce Oil Co.;

(Ga.) Columbus, Ga., vs. Mercantile Trust, 218 V. S.;

(N. C.) Elizabeth City vs. Thrift, 122 N. C.;

(Texas) Brenham vs. Brenham, 67 Tex., 542;

(Cal.) Madera Water Works vs. Madera, 228 V. S.

In each of these citations the highest courts in the states where they originated sustained the political conspirators and permitted them to safely carry off their spoils of graft. Upon what hypothesis can such ruin be wrought? Let us now follow closely these most extraordinary court records, for they are the final symptoms guiding us in the diagnosis of our country's critical ailment at this time. The reasons given for the actions brought by the plaintiffs—that is, the municipalities and the states—were as the stars, without number, and varied from "monopoly," "restraint of trade," "trusts," "defective service," "insufficient supply," "over-

charge for services," etc., etc. The good old basic principle on which our Republic was really founded "the individual is first and the state is here to safeguard his rights" was everywhere repudiated. The finest webs of deception were spun by spider lawyers in which innocent citizens and helpless corporations were enmeshed and greedily devoured. The hair-splitting construction and interpretations of the law, if you will take the time to read these court proceedings, are perhaps the most kaleidoscopic mental phenomena ever recorded in the annals of jurisprudence. The laws were so juggled, judges and juries so baffled, that it is no wonder our courts were changed from courts of justice to courts of law. The one supreme *fact*, however, that stands out in bold and startling relief amid all the twistings and turnings and perversions of the laws that fostered these great corporate industries is that *the individual was robbed of his heritage*. For what is a corporation? Is it a spineless entity? By no means. Every corporation is composed of men and often women who have heart and soul and mind, flesh, blood and feeling. Can the law of the thug and the thief be employed with impunity to individual citizens, presumably without hurt, because they happen to be conducting their business in corporate unison for economic reasons? Can might make right in this instance when employed by the state? Perhaps Dr. Hillis will say these citizen-corporations offended and committed grievous wrongs against other citizens; go to the records and read the history of these cases and you will find their chief offense has been that the commodities produced by them are cheaper to the consumer than they ever were before in the history of the nation. Public utility companies were robbed because they were monopolies. Can you have two water companies in the average town or city? Could any one of several companies of investors earn interest if there were two or three lighting corporations or traction systems in one community all bidding for the same business? No, these citizen-corporations were plucked wholly because they were successful. Their property was coveted by others who schemed and forced their way to power in the governing bodies of the state from municipality to national Congress; and with feudal strength they tore up the "scrap

of paper" that had been the pledge of the "safeguard of the rights of the individual" and guarantee against "trespass upon his property." Ah! Dr. Hillis, before we throw stones at our neighbors over the ocean, let us first get out of our own glass house; before we stretch our hands across the sea to pull the beams from the eyes of Germany, let us pick the moats out of our own eyes.

Does Dr. Hillis differentiate between the rights of the individual and those of a corporation? Very well; I will give you a case now in the Federal court where one single individual's interests are at stake and involved. Tryon, N. C., a little tuberculosis camp comprising about 500 people desired greatly the establishment of a water works system in their town. They had been depending on shallow wells and springs; the springs merely dog wallows for the most part. They induced this one man to consider the proposition, and although he said to one of the leading citizens there that he knew it must be a pure philanthropy for a year or so, he thought it should in time pay a fair interest on the investment. The man who was to furnish the money stipulated that the Franchise to be granted for the construction of the plant should be exclusive for a term of 35 years, and that during the life of the grant the town should not build a municipal plant, which would destroy the individual's property. To make sure that the plant would be constructed in a modern and up-to-date manner, and thus provide adequate service for all time, the man, under the advice of the Mayor and prominent citizens, was persuaded to employ the town's own engineer who resided in Tryon; and whose pride certainly ought to have been enlisted in a public utility of such great value to the community. This engineer was given *carte blanche* to select the sources of supply, do all the engineering work incident to the laying out of the system, and provide plans and specifications for its completion. The work was so badly done by this engineer that it had to be practically done over again by another engineer brought there for the purpose.

In order to provide this money with which to construct the enterprise, the man was obliged to borrow the money and put a mortgage on the only piece of property he had.

The plant has been established for seven years, during which time the people for the most part showed such scant appreciation of what had been done for them that it was like pulling teeth to collect the water rents. The owner of the plant employed several different superintendents living in the town who were cursed and brow-beaten by most of the citizens for even daring to try to collect the rents due from quarter to quarter. The rates had been fixed in the franchise and were exceedingly low. There are probably not a half dozen towns the size of Tryon in the entire United States that have a public utility water system.

A little more than a year ago the owner, tiring of employing local superintendents, and never having received any returns from his investment, employed a practical engineer and a man of sterling character and efficiency to take charge of the plant as Superintendent. He began his duties by making the people pay up, and devoting himself to improving the service, which had been more or less deficient because of the incompetent work of the engineer in the beginning, and the lackadaisical management of the several previous superintendents. In proof that there could be a fair revenue derived from the investment, the new Superintendent put back into the plant the first year of his management over \$2,000 in betterments.

When the Superintendent began to cut off the water supply from those who would not pay up, a great hue and cry went up to Heaven, and all manner of indictments were brought against the owner, and public opinion, poisoned to such an extent by a few political conspirators that the town started in to construct a municipal plant with no thought whatever of compensating the owner of the existing plant for the property they threatened to destroy. The man, who had nearly \$18,000 of his money in the investment, and which represented about all he had in the world, was obliged to go into court to vindicate his rights.

What kind of treatment was this to accord a man who had been nothing more or less than a philanthropist to the community all these years. The case is now in the courts and dragging its sluggish way with heavy expense to the owner, and unless the decree of the Federal Court of North

Carolina should be favorable and "safeguard the rights of this individual" and stop the municipality—the State—from stealing his property, it will have to be carried to the Supreme Court of the United States, with ever-increasing legal expenses to the unfortunate defendant.

I will cite Dr. Hillis to another case in his own State, where at Castleton the municipality determined to put in its own plant, and forced the few men who had taken over the system and brought it to a high state of efficiency, and to where it was just beginning to pay, to take one-half what it was worth or lose the entire property.

This graft virus has spread its poison through every artery of commerce and Government, until the entire body politic is inoculated, and the Nation groans and staggers with functional disorder. Our banks and trust companies are little better than pawn shops. A man I know was forced to make a loan for \$16,000. He was obliged to pay the man who loaned the money a bonus of 10 per cent. in addition to the legal six per cent., and the broker five per cent.; here was 21 per cent. taken right out of his loan to start with. Each time he renewed he had to pay another five per cent. The security was increasing in value all the while, and the money shark decided to take it in. The man then called on the vice-president of a national bank; who said their bank could not handle such a loan, but for a "consideration" he would introduce him to a friend connected with a Trust Company that *might* make the loan. The loan was made. The borrower paid the vice-president of the bank a bonus of five per cent., the Trust Company a bonus of five per cent., and the lawyer \$250; altogether the hard-pressed unfortunate paid about 18 per cent., for the use of the money for one year; and when the loan matured the Trust Company charged a renewal bonus of two per cent. Do you marvel that legitimate business is stricken and dies of anemia under such treatment? The money sharks say the poor devil ought to have been glad to get the money at any price. Isn't this a beautiful situation and condition for a country like America?

What chance has a poor man in our courts today. Ah! says Dr. Hillis, there is where the rights of the individual

are sure to be vindicated. I will show you a moving court picture through its various stages.

There was a certain rich man, the decadent scion of a great and noble family in New Jersey, who gave his written authority to a broker of modest means, to dispose of a piece of property which he owned. The property consisted of a public utility up the Hudson, which, through bad management, was nothing but a bunch of junk. The broker prepared a re-organization plan which in its feasibility appealed to and greatly pleased the Jerseyman. He worked industriously and patiently for more than a year through various avenues until he finally found his market. The net price to be paid the rich Jerseyman was \$50,000. The broker sold the property for \$75,000 to a responsible firm of engineers who made a business of taking over neglected, abused public utilities and rehabilitating them. The excess above the \$50,000 to be paid the owner was to be distributed in the usual order of such transactions: \$10,000 to be divided between the lawyer for the buyer and the lawyer for the seller, and \$15,000 to the broker. The contract was drawn by the two lawyers cooperating, and the first payment under its terms which had been thoroughly understood and agreed to by the rich Jerseyman was laid down on his desk in the State Capital at Trenton for his acceptance. He knew the broker was getting \$75,000 for his property. He did not know what the lawyers were getting. It was none of his business in any event, because he had agreed to \$50,000 as a flat price for his property. His object in refusing the transaction was to force the concern or the broker to give him a larger amount. At this point the deal fell through. The broker had unquestionably earned his commission. The rich man refused to concede him the slightest consideration for all his time and money spent in carrying through the deal. The broker's claim and right to his commission was so strong and so apparent that one of the leading attorneys at the New York Bar took the litigation on a contingent fee.

The case was brought in the Federal court in New York City. The rich man in New Jersey being very prominent in the politics of his State, and holding a conspicuous position under an appointment of the then Governor Wilson of

that State, employed an ex-Tammany District Attorney to manage his interests, in the trial of the case. It was a jury trial. It was set ideally for the vindication of this poor broker's rights. A Federal Judge representing the national Government, the jury of twelve men representing the peers of their brotherman who sought at their hands simple justice. The evidence showed conclusively that the case was so one-sided as to make it farcical to go through with. The charge to the jury by the Honorable Judge was as fair as a one-sided case could be. It naturally was strong for the plaintiff. The broker and his lawyer were as confident of the result as though the decision had been made without the jurors leaving their seats. As it was about noon the jury indicated they would like to go to dinner first. The broker was pacing up and down the corridor when the bailiff approached him and said: "The jury is going out to dinner. Would you like to contribute one-half the cost of their dinner? The defendant has agreed to give one-half." The broker said, of course, and handed the bailiff \$10.00. The jury went out and had a fine dinner at the old Astor House, came back to the juryroom and were there not five minutes when they filed into the court and rendered their decision unanimously against the plaintiff and for the rich man from New Jersey. Why did not the Federal Judge from his august place on the bench exercise his right to insist on justice for this poor man and set aside the verdict of that corrupt jury? The broker went out of that court room dazed and went back to his office and put his head in his hands and asked himself over and over again: "Am I in America or am I in Russia?"

Here, Dr. Hillis, and now, as well as in olden times, and right in your own city and State, we have an excellent application of the illustration used by you in your sermon where the rich man took from the poor man his one ewe lamb.

I could go on citing instance after instance, but I think it will be agreed by all that I have sufficiently proven my case.

If you want to know what the public generally thinks about the business of going to law today, just take a look at T. E. Powers' cartoon in the comic section of the New York American of Sunday, January 3, 1915, entitled "He's Coming Back, Boys." While it is one of the funniest things

Powers has ever done, it is at the same time a wondrously suggestive and shocking illustration of what our courts stand for and permit all over our land today.

Is it any wonder that the substantial, dependable business men of the country have locked up their capital, and buried their talent of genius for promotion, while they wait for the people responsible for our municipal, state and national governments to come to their senses? Where there is no latitude in business opportunity there is no longitude in business fecundity. Latitude in opportunity does not mean license to trample the rights of others, of course; but it does mean that all shall have a square deal without let or hindrance from the poltroon politicians who have been and are the only serious leeches on the business of the country. Dr. Hillis who apparently is utterly out of touch with his fellows may opine that I am a disgruntled pessimist. Far from it, my whole nature is one of extreme optimism.

Some one may say: Ah! this is only one man's opinion. Well, here is another. Perhaps the keenest, most incisive, clear thinking, farseeing business brain in this country today is that of Judge Elbert H. Gary. In an interview printed in the New York American of Jan. 3, 1915, he says:

"The conditions were bad before the outbreak of the war, but this country was affected by influences unfelt elsewhere. There was the attitude of public officials and public administrators toward capital, which had been persistent for many years, and had resulted in attacks on business—sometimes with cause, it must be admitted, but often without just cause, and more frequently without reason or justice.

"Rightfully or wrongfully, capital had become impressed with the idea that business was not as a rule receiving, and could not expect to receive fair treatment. It was a common thing for men of large means to discuss these questions, and almost invariably the statement was made that until public sentiment forced a change in the attitude mentioned, capital would be withheld from investment in enterprises calculated to

restore business to (what had been for many prosperous years) its normal standard.

"The push and energy peculiar to the American business man lost its vim. He was dismayed and disconsolate. The situation was unnatural to the American people and there seemed to be a general inclination on the part of capitalists to wait until the atmosphere was cleared. Capital always is timid, and for several years there has been little in this country to give it confidence.

"IT IS PROBABLY TRUE THAT BUSINESS IN THIS COUNTRY HAS BEEN WORSE SINCE THE WAR COMMENCED, YET IT IS DOUBTFUL IF IT WOULD HAVE BEEN MUCH IMPROVED WITHOUT THE WAR.

"It is claimed by many, and it may be true, that business can become accustomed and adjusted to extreme changes in legislation, and it is to be hoped that we may become prosperous even with the law as it now stands. It is, however, certain that business has been depressed during the past year, hundreds of thousands of men have become idle, and that among big business men generally the reasons I have given are some of the influential factors in bringing about these conditions.

"Adequate protection to the producers of material for sale, and for labor is essential to the highest prosperity of the nation."

This is Judge Gary's mild way of telling the country what I am telling in plainer speech and a little more forcible English.

The men who are by choice of vocation the go-between in bringing together the seller and the buyer of securities are in a state bordering on utter despair under the present conditions. They are tired of spending their time and money calling on banks and investors to dispose of bonds and stocks that ought to be and normally are regarded as perfectly safe; to be told "we will not consider any securities issued under a charter granted by that State. They are repudia-

tionists. Property rights are not held sacred there." As this can now be said of so many States, new enterprises are necessarily halted, and going concerns are at their wit's end to obtain new capital, and wonder what is the trouble. When these states first invited capital into their borders they said "come thou with us and we will do thee good"; now they are sending up the frantic old Macedonian cry "come over and help us." Their cry falls upon deaf ears for the most part.

Men and brethren, what must we do to be saved? Let us confess our sins and face unflinchingly the truth. "The Truth *shall* make us free." Let us go back to the old ideals that made our nation great, and to the simple, sane laws that made it safe. Laws made for all, and not for the few. Laws made to be kept in all good faith and conscience. Laws that cannot even by the most dexterous legal brain be twisted into a thousand meanings. No matter what the nation's resources; no matter what skill in organization and finance she may possess, unless there is common honesty in the recognition of human rights whether in the individual or individuals working together in a corporation, there can be no healthy expansion, no permanent progress. America is blessed above all other nations in position, opportunity and wealth and range of resources.

"The rudiments of Empire here are plastic yet and warm,
The chaos of a mighty world is rounding into form."

The day-star of the Nation's hope and mission is not set; it is only dimmed by the shortcomings and betrayals of those who were charged with keeping her gates and protecting and guarding her vast treasures. When we have driven them from these places where they have betrayed their trust, we shall again return to our rightful heritage and strength among the nations of the world, and go on to the great destiny vouchsafed to us under our sublime Constitution.

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